

1 Matthew K. Bishop, *admitted pro hac vice*
2 Montana Bar No. 9968
3 Western Environmental Law Center
4 103 Reeder's Alley
5 Helena, Montana 59601
6 Tel: 406-324-8011
7 bishop@westernlaw.org

8 Kelly E. Nokes, *admitted pro hac vice*
9 Montana Bar No. 39465862
10 Western Environmental Law Center
11 208 Paseo del Pueblo Sur, No. 602
12 Taos, New Mexico 87571
13 Tel: 575-613-8051
14 nokes@westernlaw.org

15 *Counsel for Plaintiffs*

16
17 **IN THE UNITED STATES DISTRICT COURT**
18
19 **FOR THE DISTRICT OF ARIZONA**
20

21 The National Trust for Historic
22 Preservation, et al.,

23 Plaintiffs,
24 vs.

25 David Bernhardt, as Secretary of the
26 Department of the Interior, et al.,

27 Federal-Defendants.
28

No. CV-19-5008-PHX-MHB

JOINT STATUS REPORT
AND UNOPPOSED
MOTION TO EXTEND THE
STAY

1 In accordance with this Court's September 9, 2021 Order (Doc. 91),
2 Plaintiffs, the National Trust for Historic Preservation *et al.* (the National
3 Trust) and Federal Defendants (BLM), collectively "the Parties," respectfully
4 submit this joint status report and unopposed motion to extend the stay in
5 this case for 60 days in order to continue (and hopefully finalize) settlement
6 negotiations.
7
8

9 In support of this filing, the Parties state as follows:

10 1. In this case, the National Trust challenges BLM's 2018 decision
11 approving the Sonoran Desert National Monument (Monument) Resource
12 Management Plan Amendment and its authorization of recreational target
13 shooting inside the Monument.
14
15

16 2. On February 26, 2021, the Parties jointly moved the Court for a 60-
17 day stay of this case to allow the new administration to review this litigation
18 and the underlying BLM decision and to allow the Parties to discuss potential
19 settlement options. Doc. 72. This stay request was granted by this Court
20 (Doc. 73) and the Court has extended this request since this time in order to
21 allow settlement talks to continue, most recently on September 9, 2021 (Doc.
22 81).
23
24

25 3. The Parties have now exchanged multiple settlement proposals,
26 engaged in negotiations, and are continuing to negotiate in good faith. At this
27 point, the National Trust and BLM are cautiously optimistic that they can
28

1 reach a compromise and settle this dispute without continued litigation,
2 though some minor areas of disagreement still remain and still need to be
3 worked out. Additional time will also be required for internal review and final
4 BLM approval of any final settlement agreement.
5

6 4. The National Trust and BLM therefore seek additional time to
7 continue and hopefully finalize their settlement negotiations and feel that an
8 additional 60 days should suffice. The requested stay is thus in the interests
9 of judicial economy and is consistent with the Court's broad discretion to stay
10 proceedings and defer judicial review.
11
12

13 5. Intervenor-Defendant (Arizona) does not oppose this request for an
14 extension of the stay period in order for the National Trust and BLM to
15 engage in further settlement talks, so long as Arizona is included in all future
16 discussions and correspondence concerning settlement talks. The National
17 Trust and BLM have agreed to this request.
18
19

20 For these reasons, the Parties respectfully request a 60-day extension
21 of the stay of this case. The Parties propose that they submit a joint status
22 report on future proceedings in this case within 7 days after the end of the
23 stay period.
24
25
26
27
28

1 Respectfully submitted this 2nd day of December, 2021.

2 TODD KIM

3 Assistant Attorney General

4 Environment & Natural Resources Division

5 /s/ Leilani Doktor

6 LEILANI DOKTOR, admitted to HI Bar

7 United States Department of Justice

8 150 M Street NE

9 Washington, D.C. 20002

10 Tel.: (202) 305-0447

11 Fax: (202) 305-0506

12 leilani.doktor@usdoj.gov

13 /s/ Clare Boronow

14 CLARE BORONOW, admitted to MD Bar

15 United States Department of Justice

16 999 18th St.

17 South Terrace, Suite 370

18 Denver, CO 80202

19 Tel: (303) 844-1362

20 Fax: (303) 844-1350

21 clare.boronow@usdoj.gov

22 *Attorneys for BLM*

23 /s/ Matthew K. Bishop

24 Matthew K. Bishop, admitted pro hac vice

25 Montana Bar No. 9968

26 Western Environmental Law Center

27 103 Reeder's Alley

28 Helena, Montana 59601

Tel: 406-324-8011

bishop@westernlaw.org

Counsel for the National Trust